

pertinent comments, and make modifications of such regulations as appropriate not later than 1 year after September 19, 1988. Such final and modified regulations shall be accompanied by a statement of the basis and purpose for such regulations.

(Pub. L. 98–8, title II, §210, Mar. 24, 1983, 97 Stat. 36; Pub. L. 98–92, §2(9), Sept. 2, 1983, 97 Stat. 611; Pub. L. 99–198, title XV, §1570, Dec. 23, 1985, 99 Stat. 1594; Pub. L. 100–77, title VIII, §814(b), July 22, 1987, 101 Stat. 538; Pub. L. 100–435, title I, §§103(d), 105(b), Sept. 19, 1988, 102 Stat. 1648, 1651; Pub. L. 101–624, title XVII, §1772(e), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104–193, title VIII, §871(e)(3), Aug. 22, 1996, 110 Stat. 2345.)

AMENDMENTS

1996—Subsec. (e). Pub. L. 104–193 struck out “(except as otherwise provided for in section 7515(j) of this title)” before “for public comment” in first sentence.

1990—Subsec. (c). Pub. L. 101–624 added subsec. (c) and struck out former subsec. (c) which contained provisions similar to the current provisions for specific fiscal years.

1988—Subsec. (c). Pub. L. 100–435, §103(d), substituted “each of the fiscal years 1989 and 1990” for “the fiscal year ending September 30, 1988”.

Subsec. (e). Pub. L. 100–435, §105(b), added subsec. (e).

1987—Subsec. (c). Pub. L. 100–77 substituted provisions relating to period ending on date specified in former section 212 of Pub. L. 98–8 for provisions relating to period beginning October 1, 1983 and ending September 30, 1987, and substituted “fiscal year ending September 30, 1988” for “fiscal year ending September 30, 1987”.

1985—Subsec. (c). Pub. L. 99–198, §1570(1), substituted “the period beginning October 1, 1983, and ending September 30, 1987” for “the fiscal years ending September 30, 1984, and September 30, 1985”, “as early as feasible but not later than the beginning of the fiscal year ending September 30, 1987” for “prior to the beginning of the fiscal year ending September 30, 1985”, and “such fiscal year” for “second twelve months”.

Subsec. (d). Pub. L. 99–198, §1570(2), added subsec. (d).

1983—Pub. L. 98–92 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective and implemented first day of month beginning 120 days after publication of implementing regulations to be promulgated not later than Oct. 1, 1991, see section 1781(a) of Pub. L. 101–624, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 103(d) of Pub. L. 100–435 to be effective and implemented on Sept. 19, 1988, and amendment by section 105(b) of Pub. L. 100–435 to be effective and implemented on Oct. 1, 1988, see section 701(a), (b)(1) of Pub. L. 100–435, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 98–92 provided in part that the amendment made by that section is effective Oct. 1, 1983.

§ 7513. Finality of determinations

Determinations made by the Secretary of Agriculture under this chapter and the facts constituting the basis for any donation of commodities under this chapter, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

(Pub. L. 98–8, title II, §211, as added Pub. L. 98–92, §2(10), Sept. 2, 1983, 97 Stat. 612.)

EFFECTIVE DATE

Section 2 of Pub. L. 98–92 provided in part that this section is effective Oct. 1, 1983.

§ 7514. Incorporation of additional commodities

(a) In general

The Secretary shall administer the program authorized under this chapter in a manner that incorporates into the program additional commodities purchased by the Secretary under section 7515 of this title to be distributed to States for use in such States by emergency feeding organizations, as defined in section 7501(1)¹ of this title. Such additional commodities, to the extent practicable and appropriate, shall include commodities purchased within a given State for distribution within such State.

(b) Supplement commodities available

The Secretary shall supplement the commodities made available to emergency feeding organizations under sections 7502 and 7507(a) of this title with nutritious and useful commodities purchased by the Secretary under section 7515 of this title.

(Pub. L. 98–8, title II, §213, as added Pub. L. 100–435, title I, §104, Sept. 19, 1988, 102 Stat. 1648.)

REFERENCES IN TEXT

Section 7501 of this title, referred to in subsec. (a), was subsequently amended, and section 7501(1) no longer defines the term “emergency feeding organization”. However, such term is defined elsewhere in that section.

EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100–435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 7512 of this title.

§ 7515. Allotment and delivery of commodities

(a) Mandatory allotments

In each fiscal year, the Secretary shall allot—

(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears

¹ See References in Text note below.

to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

(b) Reallocation

The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (a) of this section, and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute the amount the State was allocated to receive under the formula prescribed in subsection (a) of this section but declined to accept. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

(c) Administration

(1) In general

Commodities made available for each fiscal year under this section shall be delivered at reasonable intervals to States based on the grants calculated under subsection (a) of this section, or reallocated under subsection (b) of this section, before December 31 of the following fiscal year.

(2) Entitlement

Each State shall be entitled to receive the value of additional commodities determined under subsection (a) of this section.

(d) Maintenance of effort

If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations.

(Pub. L. 98-8, title II, §214, as added Pub. L. 100-435, title I, §104, Sept. 19, 1988, 102 Stat. 1648; amended Pub. L. 101-624, title XVII, §1772(g), (h)(1), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104-127, title IV, §403(c), Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104-193, title VIII, §871(d), Aug. 22, 1996, 110 Stat. 2345.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (f) as (a) and struck out former subsec. (a) which provided for purpose of section.

Pub. L. 104-127, §403(c)(1), substituted “2002” for “1995”.

Subsec. (b). Pub. L. 104-193, §871(d)(1)–(3), redesignated subsec. (g) as (b), substituted “subsection (a) of this section,” for “subsection (f) of this section or subsection (j) of this section if applicable,” and “subsection (a) of this section” for “subsection (f) of this

section”, and struck out former subsec. (b) which provided definitions for section.

Subsec. (c). Pub. L. 104-193, §871(d)(4), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Subject to subsections (e) and (f) of this section, or subsection (j) of this section if applicable, purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f) of this section, or reallocated under subsection (g) of this section, or calculated under subsection (j) of this section if applicable, before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.”

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (h) as (c) and struck out former subsec. (c) which authorized Secretary to purchase additional commodities to supplement commodities otherwise provided under program authorized by this chapter.

Subsec. (d). Pub. L. 104-193, §871(d)(5), struck out “or reduce the amount of funds available for other nutrition programs in the State in each fiscal year” after “such organizations”.

Pub. L. 104-193, §871(d)(1), (2), redesignated subsec. (i) as (d) and struck out former subsec. (d) which provided for types and varieties of commodities which could be purchased under this section.

Subsec. (e). Pub. L. 104-193, §871(d)(1), struck out subsec. (e) which appropriated amounts through fiscal year 2002 for purchase of additional commodities under this section.

Pub. L. 104-127, §403(c)(2), substituted “2002” for “1995” in two places.

Subsecs. (f) to (i). Pub. L. 104-193, §871(d)(2), redesignated subsecs. (f) to (i) as (a) to (d), respectively.

Subsec. (j). Pub. L. 104-193, §871(d)(1), struck out subsec. (j) which authorized Secretary to promulgate new formula for allocation of additional commodities to States.

1990—Subsec. (a). Pub. L. 101-624, §1772(g)(1), substituted “fiscal years 1991 through 1995” for “fiscal years 1989 and 1990”.

Subsec. (e). Pub. L. 101-624, §1772(g)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “During each of the fiscal years 1989 and 1990, the Secretary shall spend \$120,000,000 to purchase, process, and distribute additional commodities under this section.”

Subsec. (k). Pub. L. 101-624, §1772(h)(1), struck out heading and text of subsec. (k). Text read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out this section.”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 871(h) of Pub. L. 104-193 provided that: “The amendments made by subsection (d) [amending this section] shall become effective on October 1, 1996.”

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1772(g) of Pub. L. 101-624 effective Oct. 1, 1990, and amendment by section 1772(h)(1) of Pub. L. 101-624 effective Nov. 28, 1990, see section 1781(b)(1), (2) of Pub. L. 101-624, set out as a note under section 2012 of this title.

EFFECTIVE DATE

Section to be effective and implemented on Oct. 1, 1988, see section 701(a) of Pub. L. 100-435, set out as an Effective Date of 1988 Amendment note under section 2012 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2036, 7501, 7512, 7514 of this title.

§ 7516. Settlement and adjustment of claims**(a) In general**

The Secretary or a designee of the Secretary shall have the authority to—

- (1) determine the amount of, settle, and adjust any claim arising under this chapter; and
- (2) waive such a claim if the Secretary determines that to do so will serve the purposes of this chapter.

(b) Litigation

Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28 to conduct litigation on behalf of the United States.

(Pub. L. 98-8, title II, §215, as added Pub. L. 102-237, title IX, §922(b), Dec. 13, 1991, 105 Stat. 1888.)

EFFECTIVE DATE

Section effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.

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